

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. R1-2002-050

for

Brian Craig
Church Street
Blocksburg, California

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Brian Craig (hereinafter "Discharger") owns property identified by the Humboldt County Assessor's Office as Parcel Numbers 217-225-006 and 217-225-007 (hereinafter, collectively, "the Site") located near the community of Blocksburg in the Eel River Hydrologic Unit (111.00).
2. On May 19, 2000, the Humboldt County Division of Environmental Health (HCDEH) inspected the Site in response to a State of California Office of Emergency Services (OES) hazardous materials spill report. The OES report was filed following the discovery of diesel contamination and other potential contaminants at the Site by the Humboldt County Sheriff's Office and the Drug Enforcement Agency during an enforcement action on a marijuana growing operation. Soil samples collected at the Site by HCDEH revealed the detection of Total Petroleum Hydrocarbons (TPH) as grease and oil at 14,000 ug/g (ppm) and TPH as Diesel at 30,000 ppm. A contaminant discharge report was submitted by the HCDEH to the Regional Water Board on May 30, 2000. The discharge of petroleum hydrocarbons and other potential contaminants to soil is a threat to surface waters and poses a potential threat or impact to groundwater.
3. Pursuant to CWC Section 13267(b), the Executive Officer of the Regional Water Board issued an order to Mr. Craig on August 30, 2000, requiring submittal of a workplan for investigation and cleanup by October 5, 2000, and a report describing implementation of the workplan by January 5, 2001. A workplan was submitted on November 27, 2000, and approved for implementation on December 14, 2000. A report describing the implementation of the workplan was not received by January 5, 2001. On February 2, 2001, Regional Water Board staff notified Mr. Craig of the delinquent report and requested submittal of the report by February 20, 2001. On April 17, 2001, the Executive Officer of the Regional Water Board issued an order to Mr. Craig pursuant to CWC Section 13267 requiring submittal of a report describing implementation of the workplan by April 30, 2001. Mr. Craig failed to submit the required report, thereby violating CWC Section 13267(b).
4. The Discharger has caused or permitted, or threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. Continuing discharges are in violation of the Porter-Cologne Water Quality Control Act and provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan). The Basin

Plan establishes beneficial uses of water and various water quality objectives to ensure protection of those beneficial uses.

5. The beneficial uses of the Eel River and its tributaries include:

- a. municipal and domestic water supply
- b. agriculture water supply
- c. industrial service water supply
- d. groundwater recharge
- e. navigation
- f. hydropower generation
- g. water contact recreation
- h. non-contact water recreation
- i. commercial and sport fishing
- j. warm freshwater habitat
- k. cold freshwater habitat
- l. wildlife habitat
- m. habitat for rare, threatened or endangered species
- n. migration route for anadromous fish
- o. fish spawning, reproduction, and/or development area
- p. estuarine habitat
- q. aquaculture

The beneficial uses of areal groundwater include:

- a. domestic and municipal water supply
- b. agricultural water supply
- c. industrial service water supply
- d. industrial process supply

6. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup to background levels is the presumptive standard. Any proposed alternative that will not achieve cleanup to background levels (i.e., water quality objectives), must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human health or the environment for the duration of the exceedence of background levels (SWRCB Res. 68-16 and 92-49, 23 CCR section 2550.4, subs. (c), and (d).)
7. Water quality objectives exist to ensure the beneficial uses of water. Several beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. A listing of the water quality objectives for waters of the State impacted by discharges from the Site is included as Attachment "A" to this Order.
8. Discharge prohibitions contained in the Basin Plan apply to this site. State Water Resources Control Board Resolution 68-16 applies to this Site. State Water Resources

Control Board Resolution 92-49 applies to this Site and sets out the “Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code.”

9. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304(c)(1) of the California Water Code.
10. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the Site shall comply with the California Environmental Quality Act (at Public Resources Code Section 21000 et seq.; “CEQA”).
11. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.
12. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall cleanup and abate the discharges and threatened discharges, and shall comply with the following provisions of this Order:

1. Investigative and cleanup tasks shall be performed under the direction of a California registered geologist or registered civil engineer with experience conducting environmental cleanup projects.
2. By July 15, 2002, begin implementing the workplan approved on December 14, 2000, to investigate and cleanup waste and petroleum contamination.
3. By September 16, 2002, submit report of site investigation for waste and petroleum contamination that contains the information collected during the implementation of the approved site investigation workplan.
4. By September 16, 2002, submit a report that includes tasks and an implementation schedule for additional cleanup work.

If, for any reason, the Discharger is unable to perform any activity or is unable to submit any document in compliance with the schedule set forth herein or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request must be submitted ten days in advance of the due date and shall include justification for the delay and a description of the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all dependent dates. An extension may be granted for good cause, as determined by the Executive Officer in his or her sole discretion, in which case this Order will be accordingly revised.

If, in the opinion of the Executive Officer, this Order is not complied with, the Regional Water Board will consider issuance of a formal complaint for administrative civil liability and/or referral of this matter to the Attorney General for judicial enforcement.

Ordered by _____
Susan A. Warner
Executive Officer

April 30, 2002